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**Testimony of Senator Jeff Plale
Senate Bill 330
Senate Committee on Judiciary, Corrections, Insurance, Campaign Finance
Reform, and Housing
February 18, 2010**

Thank you, Senator Taylor and fellow members of the committee, for your consideration of Senate Bill 330.

I am very pleased to testify in favor of this legislation.

Currently, if an adult shows a minor person a picture of photocopy of genitalia for the purpose of sexual gratification or arousal, that adult could be found guilty of a Class I felony. However, if an adult exposes his or her genitalia to a minor person for the purposes of sexual gratification, the adult could be found guilty of only a misdemeanor. SB 330 would close this loophole and update statute so that if an adult shows genitalia to a minor person, whether photocopied or in actuality, both crimes could be considered a felony when prosecuted.

The assembly version of SB 330, Assembly Bill (AB) 503 received a public hearing before the Assembly committee on Criminal Justice on November 12, 2009 and was unanimously approved on December 10, 2009.

Thank you for your time and consideration of SB 330. I am happy to answer any questions you may have regarding this bill.





ANTHONY J. STASKUNAS

STATE REPRESENTATIVE • 15th ASSEMBLY DISTRICT

SPEAKER PRO TEMPORE

SB 330 Written Testimony

February 18, 2010

Senate Committee on Judiciary, Corrections, Insurance, Campaign Finance Reform and Housing

Good morning, Chairwoman Taylor and committee members. Thank you for holding this hearing and allowing me to submit testimony in support of Senate Bill 330.

Under current law [§948.10(1)], whoever, for purposes of sexual arousal or sexual gratification, causes a child to expose their genitals or pubic area, or exposes their genitals or pubic area to a child is guilty of a Class A misdemeanor. However, current law [§948.11] also states that anyone that exposes a child to harmful material or harmful descriptions or narrations (i.e. pornographic material) is guilty of a Class I felony. This discrepancy means that individuals that expose children to pornographic material are subject to lesser penalties than individuals that expose their genitals to a child.

There is no question that both of these crimes involve disturbing actions that endanger children, unfortunately they are not treated the same when it comes to the punishment of these crimes. In an effort to address this sentencing loophole, SB330 would make it a Class I felony for anyone at least 17 years of age to expose their genitalia or pubic region for the purposes of sexual arousal or gratification to a minor.

This discrepancy in the statutes was first brought to the attention of the Legislature last session when Representative Kleefisch introduced 2007 Assembly Bill 913. In his testimony on AB913, Rep. Kleefisch informed the Assembly Criminal Justice Committee members that he had introduced the bill in response to a conversation that he had with a detective with the Oconomowoc Police Department. This detective shared a story about an individual who, on numerous occasions, had exposed himself to children on elementary school grounds, as well as other locations throughout the city. While this individual was arrested, he could only be charged with misdemeanors, with the majority of his sentence to be served with work release privileges and or probation.

Earlier this week, the Assembly unanimously passed AB503, the Assembly companion to SB330. I am hopeful that with the strong bipartisan support that SB330 has in both the Senate and Assembly that this important piece of legislation will pass through both this committee and the Senate and make its way onto Governor Doyle's desk.

I would like to once again thank Chairwoman Taylor and the committee members for their time and consideration of this proposal. I hope that you will bring SB330 forward for a vote and recommend its passage by the full Senate.